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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

11 MICHAEL B. BYNOE,)
12 Plaintiff,) Appeal No. 12-15700
13 vs.)
14 STATE OF NEVADA, *et al.*,)
15 Defendants.)
16 / **ORDER**

This is a closed prisoner civil rights action brought pursuant to 42 U.S.C. § 1983. On March 12, 2012, the Court dismissed this action as frivolous and for failure to state a claim. (ECF No. 5). Judgment was entered on March 13, 2012. (ECF No. 6). Plaintiff filed a motion for reconsideration, which this Court denied by order filed March 23, 2012. (ECF No. 8). Plaintiff filed a notice of appeal on March 29, 2012. (ECF No. 9). The United States Court of Appeals for the Ninth Circuit assigned the appeal number 12-15700. (ECF No. 11).

On April 2, 2012, the Ninth Circuit Court of Appeals referred this matter to this Court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal or whether the appeal is frivolous or taken in bad faith. (ECF No. 12). Plaintiff's complaint was dismissed because it contained wholly frivolous claims and allegations that failed to state colorable

1 claims for relief. On careful review, this Court certifies that any *in forma pauperis* appeal from its
2 order would not be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3).

3 **IT IS THEREFORE ORDERED** that this Court **CERTIFIES** that any *in forma pauperis*
4 appeal from its orders dated March 12, 2012 (ECF No. 5) and March 23, 2012 (ECF No. 8) would
5 **not** be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3).

6 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL SEND** this order to the
7 United States Court of Appeals for the Ninth Circuit.

8 Dated this 4th day of April, 2012.

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UNITED STATES DISTRICT JUDGE